

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1657 of 2002

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 23.07.2002 in WP NO: 6142 OF 2000 on the file of the High
Court.)

Between:

1. Smt. Katiza Begum, W/o Mirza Mohd. Mahmood Baig,
Occupation: Household, r/o 9-8-220/1, Golconda Fort,
Hyderabad – 8.
2. Mirza Mazeedullah Baig, S/o Mirza Hafeezulla Baig,
Occupation: Business, r/o 9-4-134, Toli Chowki,
Hyderabad – 8.
3. Mirza Yousuf Baig, S/o Mirza Mohd. Mahmood Baig,
Occupation: Business, r/o. 9-8-220/1,
Golconda Fort, Hyderabad – 8.

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APPELLANTS

AND

1. Government of Andhra Pradesh, represented by its
Secretary, Revenue Department, Secretariat Buildings,
Hyderabad.
2. A.P Wakf Board, represented by its Secretary, Manoranjan
Complex near Exhibition, M.J Road, Hyderabad.

3. The Revenue Divisional Officer, Chevella Division, Ranga Reddy District at Domalguda, Hyderabad.
4. The Mandal Revenue Officer, Rajendranagar Mandal, Rajendranagar, Ranga Reddy District.
5. A.P Wakf Tribunal, Hyderabad, within the compound of City Civil Court, Hyderabad.

.....RESPONDENTS

For the Appellants: MR. C.R.PRATAP REDDY, Advocate.

For Respondent Nos. 1, 3, 4 and 5: GOVERNMENT PLEADER FOR REVENUE

For Respondent No. 2: Mr. A.M. Qureshi, Standing Counsel.

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

We have heard this writ appeal quite for some time even at the interlocutory stage. During the course of hearing of this writ appeal number of questions have cropped up which includes about the validity of the notification issued by the Wakf Board pursuant to which exclusive rights were claimed by the Wakf Board with regard to the property in question. Evidently, the appellants did not challenge the validity of the notification issued under which the properties stood vested in the Wakf Board.

Sri C.R. Pratap Reddy, learned counsel for the appellants contended that in view of the occupancy rights granted under the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, the notification is void and inoperative. Learned counsel for the Wakf Board contended that the occupancy certificates granted in favour of the appellants/writ petitioners is subsequent to that of the notification issued by the competent authority under which the lands stood vested in the Wakf Board. Sri Pratap Reddy, made a serious attempt to contend with regard to the validity of the very notification.

But as the issue has not been raised in the writ petition, we cannot permit the same.

It is at that stage, learned counsel for the appellants sought leave of this Court to withdraw the writ appeal and as well as the writ petition with liberty to avail such remedies as may be available to him in law including by way of a comprehensive writ petition. Learned Standing Counsel for the Wakf Board has no objection for granting such a leave to the appellants.

In the circumstances, the writ appeal as well as the writ petition shall accordingly stand dismissed as withdrawn without expressing any opinion whatsoever on any of the contentions raised in the writ petition. Leave is accordingly granted to the appellants to avail such remedies as may be available to them, including by way of filing a comprehensive writ petition raising all the issues that are already raised and such other issues the appellants may wish to raise, as advised. Needless to observe that in such an event, the observations made in this order and as well as the order passed by the learned single Judge shall not come in the way of the appellants in getting their rights adjudicated. There shall be no order as to costs.

(B. Sudershan Reddy, J)

23..09..2004

(K.C. Bhanu, J)

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DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2. Secretary, A.P Wakf Board, Manoranjan Complex near Exhibition, M.J Road, Hyderabad.
3. The Revenue Divisional Officer, Chevella Division, Ranga Reddy District at Domalguda, Hyderabad.
4. The Mandal Revenue Officer, Rajendranagar Mandal, Rajendranagar, Ranga Reddy District.
5. A.P Wakf Tribunal, Hyderabad, within the compound of City Civil Court, Hyderabad.
6. Two CCs to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT).
7. Two CD copies.